

1 Ja Vonne M. Phillips, Esq. SBN 187474
2 Gregory J. Babcock, Esq. SBN 260437
3 **McCarthy & Holthus, LLP**
4 1770 Fourth Avenue
5 San Diego, CA 92101
6 Phone (619) 685-4800
7 Fax (619) 685-4810

8 Attorney for: Secured Creditor,
9 Federal Home Loan Mortgage Corporation, it assignees and/or successors

10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SANTA ROSA DIVISION

13 In re:) Case No. 10-14023 J
14 Venustiano Cano-Rios,)
15 Debtor.) Chapter 13
16)
17) **EXHIBITS IN SUPPORT OF MOTION**
18) **FOR RELIEF FROM THE AUTOMATIC**
19) **STAY (UNLAWFUL DETAINER)**
20)
21) Date: 12/09/2010
22) Time: 9:00 AM
23) Place: 99 South E Street
24) Santa Rosa, CA 95404
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26)
27)
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Trustee's Deed Upon Sale
1 | Page **SERVICELINK**

Recording requested by:

When recorded mail to:

JPMorgan Chase Bank, N.A.
7301 Baymeadows Way
Jacksonville, FL 32256

Forward tax statements to the address given above

**CERTIFIED TO BE A TRUE AND EXACT COPY
OF THE ORIGINAL DOCUMENT RECORDED.**

AS INSTRUMENT NUMBER:

AS BOOK:

AS PAGE:

BY SERVICELINK

TS #: **CA-09-259229-PJ**

Order #: **103400**

A.P.N.: **034-600-003**

Space above this line for recorders use

Trustee's Deed Upon Sale

Transfer Tax:

The undersigned grantor declares:

The grantee herein **IS** the foreclosing beneficiary.

The amount of the unpaid debt together with costs was: **\$359,978.22**

The amount paid by the grantee at the trustee sale was: **\$171,208.80**

The documentary transfer tax is: **None**

Said property is in the City of: **SANTA ROSA**, County of **SONOMA**

THIS INSTRUMENT IS RECORDED AT THE
REQUEST OF SERVICELINK AS AN
ACCOMMODATION ONLY. IT HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS
TO ITS EFFECTS UPON TITLE.

QUALITY LOAN SERVICE CORPORATION, as Trustee, (whereas so designated in the Deed of Trust hereunder more particularly described or as duly appointed Trustee) does hereby **GRANT** and **CONVEY** to

Federal Home Loan Mortgage Corporation

(herein called Grantee) but without covenant or warranty, expressed or implied, all right title and interest conveyed to and now held by it as Trustee under the Deed of Trust in and to the property situated in the county of **SONOMA**, State of California, described as follows:

PARCEL ONE: LOT 3 AS SAID LOT IS NUMBERED AND DESIGNATED UPON THE MAP OF PARKSIDE SUBDIVISION FILED JULY 15, 1991 IN THE OFFICE OF THE COUNTY RECORDER IN BOOK 478 OF MAPS, PAGE 39 THROUGH 45, SONOMA COUNTY RECORDS, AND AS CORRECTED BY CERTIFICATE OF CORRECTION RECORDED FEBRUARY 18, 1993 UNDER DOCUMENT NO. 93-21391, SONOMA COUNTY RECORDS. PARCEL TWO: AN EASEMENT FOR ENCROACHMENT, DRAINAGE AND MAINTENANCE PURPOSES, 8 FEET IN WIDTH, OVER THE WESTERLY PORTION OF LOT 2, AS SAID EASEMENT AND LOT ARE SHOWN UPON THE MAP OF PARKSIDE SUBDIVISION FILED JULY 15, 1991 IN BOOK 478 OF MAPS AT PAGES 39 THROUGH 45, INCLUSIVE SONOMA COUNTY RECORDS. PARCEL THREE: AN EASEMENT FOR PRIVATE STORM DRAIN PURPOSES OVER THE NORTHERLY 10 FEET OF LOT 2, AND THE WESTERLY 10 FEET OF LOT 3, AS SAID EASEMENT AND LOT ARE SHOWN UPON THE MAP OF PARKSIDE SUBDIVISION FILED JULY 15, 1991 IN BOOK 478 OF MAPS, PAGES 39 THROUGH 45, SONOMA COUNTY RECORDS.

Trustee's Deed Upon Sale

2 Page

This conveyance is made in compliance with the terms and provisions of the Deed of Trust executed by **VENUSTIANO CANO RIOS, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY**, as trustor, dated **6/22/2007**, and recorded on **7/3/2007** as instrument number **2007075182**, in Book **XXX**, Page **XXX**, of Official Records in the office of the Recorder of **SONOMA**, California, under the authority and powers vested in the Trustee designated in the Deed of Trust or as the duly appointed trustee, default having occurred under the Deed of Trust pursuant to the Notice of Breach and Election to Sell under the Deed of Trust recorded on **3/16/2009**, instrument no **2009022771**, Book , Page , of Official records. Trustee having complied with all applicable statutory requirements of the State of California and performed all duties required by the Deed of Trust including sending a Notice of Default and Election to Sell within ten days after its recording and a Notice of Sale at least twenty days prior to the Sale Date by certified mail, postage pre-paid to each person entitled to notice in compliance with California Civil Code 2924b

Default occurred as set forth in a Notice of Breach and Election to Sell which was recorded in the office of the Recorder of said County.

All requirements of law regarding the mailing of copies of notices or the publication of a copy of the Notice of Breach and Election to Sell or the personal delivery of the copy of the Notice of Breach and Election to Sell and the posting and publication of copies of the Notice of Sale have been complied with.

Said property was sold by said Trustee at public auction on **10/13/2010** at the place named in the Notice of Sale, in the County of **SONOMA**, California, in which the property is situated. Grantee, being the highest bidder at such sale, became the purchaser of said property and paid therefore to said trustee the amount being **\$171,208.80** in lawful money of the United States, or by the satisfaction, pro tanto, of the obligations then secured by said Deed of Trust.

Date:

10-21-10

QUALITY LOAN SERVICE CORPORATION

By: Karla Sanchez, Assistant Secretary

State of: California

County of: San Diego

On 10.21.10 before me, **Michelle Nguyen** a notary public, personally appeared **Karla Sanchez**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of **California** that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Michelle Nguyen (Seal)
Michelle Nguyen



THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

TS # CA-09-259229-PJ

Loan# [REDACTED]

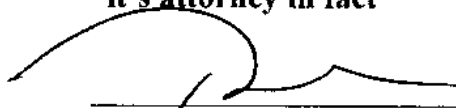
CERTIFICATE OF ACCEPTANCE

Pursuant to the provisions of Government Code Section 27281, this is to certify that the interest in real property conveyed by the Grant Deed, dated 10/14/2010 from Federal Home Loan Mortgage Corporation, to FREDDIE MAC, a governmental agency, is hereby accepted by the undersigned officer and the undersigned grantee consents to the recordation thereof.

Date:

10/21/10

Freddie Mac by McCarthy and Holthus, LLP
it's attorney in fact



By: McCarthy & Holthus, LLP, Attorney in
for JPMorgan Chase Bank, National Association ,
by Kevin R. McCarthy, Authorized Agent for
McCarthy & Holthus, LLP

PROOF OF SERVICE

I, the undersigned declare that I served the Notice(s) below indicated:

- | | |
|--|--|
| <input checked="" type="checkbox"/> 3/90 NOTICE FOR POSSESSION | <input type="checkbox"/> SOLICITATION LETTER |
| <input checked="" type="checkbox"/> CASH FOR KEYS LETTER(S) | <input type="checkbox"/> BLANK AGREEMENT(S) TO VACATE PREMISES |
| <input checked="" type="checkbox"/> BLANK W-9 | <input type="checkbox"/> IMPORTANT NOTICE TO TENANTS |
| <input type="checkbox"/> DATED LETTER TO OCCUPANT | <input type="checkbox"/> BLANK OCCUPANT QUESTIONNAIRE |
| <input checked="" type="checkbox"/> BLANK RELOCATION ASSISTANCE AGREEMENT(S) | <input type="checkbox"/> OTHER: |

The above described Notice(s) were served on the following named parties in the manner set forth below:

NAME: Venustiano Cano Rios and "ALL PERSONS IN POSSESSION" of the premises located at:
ADDRESS: 2551 Casey Drive, Santa Rosa, CA 95403

☐ 1. PERSONAL SERVICE By delivering a copy of the Notice (s) on _____ at _____ to _____ at the address above.

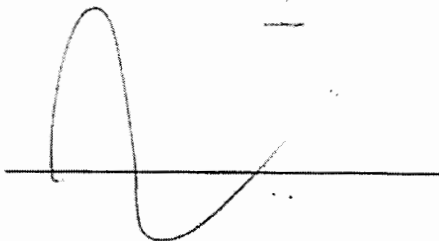
☒ 2. CONSTRUCTIVE SERVICE After due and diligent effort, by service of said Notice (s) as authorized by C.C.P. Section 1162 (2,3) on each of the above named parties in the manner set forth below:

☐ A. By leaving a copy for each of the above named parties on _____ at _____, with _____, a competent member of the household at the usual place of resident of each of the above named parties; and thereafter mailing a copy to each of the above named parties by depositing said copies in the United States mail on _____ in a sealed envelope, with postage fully prepaid, addressed to each of the above named parties at their place of residence.

☒ B. By posting a copy for each of the above named parties on October 25, 2010 at 6:47 PM in a conspicuous place on the property; and thereafter mailing a copy to each said party by depositing said copies in the United States mail, in a sealed envelope with postage fully prepaid, addressed to each said party at their place where the property is situated on October 25, 2010.

At the time of service, I was at least 18 years of age. I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 26, 2010
NAME: Jason Tobin
C/O NATIONWIDE LEGAL, INC.
820 N. Parton Street, Suite 203
Santa Ana, California 92701
(714) 558-2400
The fee for service was: \$110.00
Registration Number: 210
County: Marin
Ref.: 9079718



NOTICE FOR POSSESSION

File No. CA-10-78747

TO: Venustiano Cano Rios

and "ALL PERSONS IN POSSESSION" of the premises located at:

2551 Casey Drive, Santa Rosa, CA 95403

NOTICE IS HEREBY GIVEN that:

- 1.) Within **three (3) days after service on you of this Notice**, in the event you are the Trustor of the Deed of Trust described below or prior owner of the subject property, or:
- 2.) Within **ninety (90) days after service on you of this Notice**, in the event you are an occupant of the above described premises and not one of the Trustors of the Deed of Trust described below:

You are required to quit and deliver up possession of the premises to the undersigned or to Federal Home Loan Mortgage Corporation, servicing agent, who is authorized to receive the same, or the undersigned will institute legal proceedings against you to recover possession of said premises and for rents or damages as provided by law.

You are required to quit and deliver up possession of said premises for the reason that they have been duly sold to the undersigned in accordance with Section 2924 et seq. of the Civil Code of the State of California, under the power of sale contained in a Deed of Trust executed by you or by your predecessors in interest and recorded in the Official Records of SONOMA County, California, and the title under the sale has been duly perfected.

This notice is given pursuant to the provisions of Section 1161a (b)(3) of the Code of Civil Procedure of the State of California and S.896, Title VII "Protecting Tenants at Foreclosure Act of 2009".

Please notify this office immediately if you are active military duty or have come out of active duty within the last 9 months.

Dated: October 25, 2010

For: Federal Home Loan Mortgage Corporation

McCarthy & Holthus, LLP
A Limited Liability Partnership
1770 Fourth Avenue
San Diego, CA 92101-3006
(619) 685-4800 x 3729



By: McCarthy & Holthus, LLP, Attorney for
Federal Home Loan Mortgage Corporation



PRIORITY POSTING AND PUBLISHING

17501 Irvine Blvd., Suite 1

Tustin, CA 92780

(714)573-7777 FAX (714)573-9547

TS Number: CA-09-259229-PJ
Priority Number: 729133

CERTIFICATE OF POSTPONEMENT

On Friday, August 27 2010 at 11:00 AM, the undersigned appeared at the location described in the Notice of Trustee Sale and publicly announced postponement of said sale from Friday, August 27 2010 at 11:00 AM to Monday, September 13 2010 at 11:00 AM at the same location. The reason for postponement is BENEFICIARY REQUEST.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

By: Caleb T. Benefiel
(Caleb Benefiel)

CUSTOMER **Quality Loan Services**
ADDRESS **2141 5th Avenue (3rd Party)**

 San Diego, CA 92101



PRIORITY POSTING AND PUBLISHING

17501 Irvine Blvd., Suite 1

Tustin, CA 92780


(714)573-7777 FAX (714)573-9547

TS Number: CA-09-259229-PJ
Priority Number: 729133

CERTIFICATE OF POSTPONEMENT

On Monday, September 13 2010 at 11:00 AM, the undersigned appeared at the location described in the Notice of Trustee Sale and publicly announced postponement of said sale from Monday, September 13 2010 at 11:00 AM to Wednesday, October 13 2010 at 11:00 AM at the same location. The reason for postponement is BENEFICIARY REQUEST.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

By: 
(Andrew Smith)

CUSTOMER **Quality Loan Services**
ADDRESS **2141 5th Avenue (3rd Party)**

 San Diego, CA 92101